

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

PETE V. DOMENICI UNITED STATES COURTHOUSE

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JAMES O. BROWNING
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June 19, 2019

VIA CM/ECF

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Re: United States of America v. City of Albuquerque, et al., No. CIV 14-1025 JB\SMV

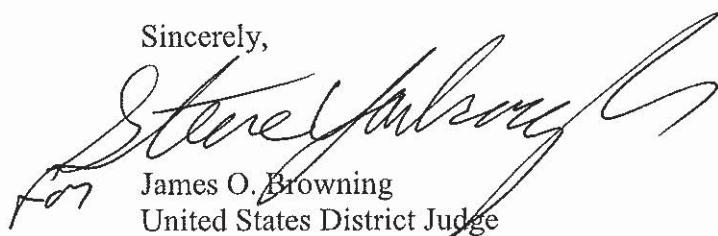
Dear Counsel of Record:

I want to bring one matter to your attention. I have, with my law clerks, reviewed the Judicial Code of Conduct and do not believe this matter requires me to recuse myself. I want, however, everyone to be fully informed about, and fully comfortable with, my participation in the case.

As you know, I was at Browning and Peifer, P.A., n/k/a Peifer, Hanson & Mullins from 1990 to 2003. I recall that, sometime before I left, Peter Cubra called my partner, Chuck Peifer, and asked him and our firm to be part of the plaintiffs group handling what has become the McClelland v. City of Albuquerque, No. CIV 95-0024 JAP\KBM litigation. My memory is that Mr. Peifer came to my office and told me about the call and talked to me about taking the new case. My memory is that I told him it was alright with me, but that he was not enthusiastic about taking a §1983 case that, at best, would give us our hourly rate on the case and not, as we were trying to do this, get multiples of our hourly rates in contingency cases. I do not recall further discussions about this case, so Mr. Peifer might have turned the case down. Thus, my firm and I were never in that case and I do not need to recuse from this case. In Tanner v. McMurray, No. CIV 17-0876 JB\KBM, I filed a disclosure letter identical to this letter and received no objections.

I believe that I can be fair and impartial. I see no reason to recuse myself. If anyone objects, or has any questions, we can perhaps have a telephonic conference. Please call my Courtroom Deputy Clerk, Carol Bevel (505-348-2289). I have instructed Ms. Bevel not to tell me who may call.

Sincerely,



for
James O. Browning
United States District Judge